



COUNTY OF LOS ANGELES

DEPARTMENT OF PARKS AND RECREATION

*"Creating Community Through People, Parks and Programs"*

Russ Guiney, Director

April 4, 2006

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**ANNEXATION OF TERRITORY INTO LANDSCAPING AND LIGHTING ACT  
DISTRICT NO. 4, ZONE NO. 77, WEST CREEK PARK; APPROVAL OF INCREASE TO  
THE EXISTING RATE FOR DISTRICT NO. 4, ZONE NO. 69, WEST CREEK CANYON  
ESTATES; APPROVAL OF NEW CONSUMER PRICE INDEX (CPI) ADJUSTMENT  
COMPONENTS FOR FIFTEEN ZONES IN THE SANTA CLARITA AREA; AND  
APPROVAL OF NEW CPI ADJUSTMENT COMPONENTS FOR FOUR ZONES IN THE  
EAST COUNTY AREA  
(1st, 3rd, 4th and 5th Districts - Three-Vote Matter)**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Pursuant to the provisions of the Landscaping and Lighting Act (LLA) (California Streets and Highway Code Section 22500, et seq.) (the "Act") and as provided by Article XIID of the California Constitution, Adopt the enclosed Resolution of Intention to annex territory into LLA District No. 4, Zone No. 77, West Creek Park; and order the levying of an assessment for this annexation for Fiscal Year 2006-07; order an amendment of the existing rate within LLA District No. 4, Zone No. 69, West Creek Canyon Estates; order an amendment to include a new consumer price index (CPI) adjustment components for fifteen Zones in the Santa Clarita area; and order an amendment to include for CPI adjustment components for four Zones in the East County area.

2. Set the public hearing date for: 1) the proposed annexation and levying of the proposed assessment for Zone No. 77; 2) the amendment to the rate for Zone No. 69; 3) the amendment to include new CPI adjustment components in the rate for fifteen Zones in the Santa Clarita Area; and 4) the amendment to include new CPI cost of living adjustment components in the rate for four Zones in the East County area, as specified in Section 22625 of the California Streets and Highways Code ("Streets and Highways Code").
3. Approve and file the enclosed Engineer's Reports prepared in accordance with Section 22565 et seq. of the Streets and Highways Code for the proposed annexation of territory and levy of assessments for landscape and park maintenance purposes for LLA District No. 4, Zone No. 77, West Creek Park; for the proposed amendment to the existing rate in LLA District No. 4, Zone No. 69, West Creek Canyon Estates; and for the proposed amendment to include new CPI adjustment components to the assessments in nineteen Zones in the Santa Clarita and East County area, pursuant to provisions of the Act.
4. Instruct the County Engineer and Assessor to review the boundary description of the territory to be annexed into LLA District No. 4 and instruct the County Engineer to report on the district boundary, as required by Section 58850 et seq. of the California Government Code.
5. Instruct the Executive Officer to give notice of the public hearings and to mail ballots to property owners at least 45 days prior to the date of the hearings.

**IT IS FURTHER RECOMMENDED THAT, AT THE CONCLUSION OF THE PUBLIC HEARINGS, YOUR BOARD:**

1. Instruct the Executive Officer to manage the tabulation of assessment ballots submitted and not withdrawn in support of, or in opposition to the proposed annexation of territory and levy of assessments for LLA District No. 4, Zone No. 77, West Creek Park and determine whether the ballots submitted in favor of the proposed annexation and assessment in the Zone exceed those submitted in opposition.
2. Instruct the Executive Officer to manage the tabulation of ballots submitted and not withdrawn in support of, or in opposition to the proposed amendments to the existing rate in LLA District No. 4, Zone No. 69, West Creek Canyon Estates and determine whether the ballots submitted in favor of the amendment exceed those submitted in opposition.



3. Instruct the Executive Officer to manage the tabulation of ballots submitted and not withdrawn in support of, or in opposition to the imposing of CPI adjustment components for fifteen Zones in the Santa Clarita area and determine whether the ballots submitted in favor of the amendment exceed those submitted in opposition.
4. Instruct the Executive Officer to manage the tabulation of ballots submitted and not withdrawn in support of, or in opposition to the imposing of CPI adjustment components for four Zones in the East County area and determine whether the ballots submitted in favor of the amendment exceed those submitted in opposition.
5. Find that the actions are exempt from the California Environmental Quality Act (CEQA).
6. Find that the territory to be annexed into LLA District No. 4 will be benefited by such annexation and order the boundary of LLA District No. 4 to be altered to include such territory.
7. Order changes in any of the matters provided in the reports including changes in the improvements, the proposed diagrams, or the proposed assessments, as described in the Engineer's Reports if needed.
8. For the territory to be annexed, if the ballots submitted in favor of the annexation and assessments exceed those in opposition; Adopt the "Resolution Ordering the Annexation of Territory into LLA District No. 4, Zone No. 77, West Creek Park and the Levying of an Assessment for the Annexed Territory for Fiscal Year 2006-07" in confirming the diagrams and assessments either as originally proposed, or changed by it and ordering the maintenance of the Zone. The adoption of this resolution shall constitute the annexation of territory for the fiscal year referred to in the Engineer's Report.

9. For the increase to the rate for LLA District No. 4, Zone No. 69, West Creek Canyon Estates, if the ballots submitted in favor of the amendment exceed those in opposition, adopt the "Resolution Increasing the Rate" for LLA District No. 4, Zone No. 69, West Creek Canyon Estates in confirming the amendment either as originally proposed or changed by it. The adoption of this resolution shall constitute the approval of the amendment as referred to in the Engineer's Report.
10. For the proposed CPI adjustment components for fifteen Zones in the Santa Clarita area, if the ballots submitted in favor of the amendment exceed those in opposition, adopt the "Resolution Imposing the CPI for Fifteen Zones in the Santa Clarita Area" in confirming the amendment either as originally proposed or changed by it. The adoption of this resolution shall constitute the approval of the amendment as referred to in the Engineer's Report.
11. For the proposed CPI adjustment components for four Zones in the East County area, if the ballots submitted in favor of the amendment exceed those in opposition, adopt the "Resolution Imposing the CPI for Four Zones in the East County area" in confirming the amendment either as originally proposed or changed by it. The adoption of this resolution shall constitute the approval of the amendment as referred to in the Engineer's Report.
12. Designate the Director of the Department of Parks and Recreation to accept, on behalf of LLA District No. 4, the Grants of Easement to designated areas and open space pursuant to the tract conditions approved for the annexation.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS**

These recommended actions would annex additional territory into LLA District No. 4; amend the existing rate for LLA District No. 4, Zone No. 69, West Creek Canyon Estates; impose annual CPI cost of living adjustment components for nineteen Zones in the Santa Clarita and East County areas; set a date for a public hearing regarding the establishment of the Fiscal Year 2006-07 annual assessment for the annexed area to provide landscape and park maintenance services subject to the requirements of Article XIID of the California Constitution; set a date for a public hearing for the amendment to the existing rate subject to the requirements of Article XIID of the California Constitution; set dates for public hearings to impose CPI cost of living adjustment components subject to the requirements of Article XIID of the California Constitution; and approve and file the enclosed Engineer's Reports. These actions are pursuant to the LLA Section of the Streets and Highways Code of the State of California, and as provided by Article XIID of the California Constitution, and provide funding for the operation of the aforementioned County-administered District Zones.

The Resolution of Intention to annex territory and to levy and collect assessments is limited to the proposed annexation area in LLA District No. 4, Zone No. 77 West Creek Park for Fiscal Year 2006-07.

The Resolution of Intention to increase the rate is limited to LLA District No. 4, Zone No. 69, West Creek Canyon Estates.

The Resolution of Intention to impose CPI adjustment components is limited to nineteen Zones in the Santa Clarita area and the East County area.

A separate Board letter and Resolution of Intention will be filed to set a date for a public hearing to establish the annual per parcel direct assessment for the remaining existing Zones within LLA Districts Nos. 1, 2 and 4 in accordance with the Act and Article XIID of the California Constitution.

**LLA District No. 4, Zone No. 77 West Creek Park**

Newhall Land, developer of the unincorporated area known as West Creek (Tract Nos. 52455, 52455-01, 52455-02, and 52455-03) has requested the annexation of approximately 15.5 acres into LLA District No. 4, Zone No. 77, West Creek Park.



The proposed annexation of this territory will provide the method to raise funds for the maintenance and servicing of park and landscaping improvements. These improvements include, but are not limited to: shrubs, turf, trees, automated irrigation systems, concrete walkways, tot lots and equipment, basketball and volleyball courts, picnic facilities, bridging and fencing, restrooms and appurtenant facilities.

LLA District No. 4, Zone No. 69 West Creek Canyon Estates

Newhall Land, developer of the unincorporated area known as West Creek Canyon Estates (Tract 52455-02, Area A and Tract 52455-03, Area B) has requested an increase to the existing rate due to changes in the Zone outlined in the revised Engineer's Report, which include changes in the total square footage of the Zone and adjusted rates for utilities, landscape maintenance, brushing, and administration.

Various Zones in the Santa Clarita area and Various Zones in the East County Area

The Director of Parks and Recreation is requesting ballots to impose CPI adjustment components on various Zones in both the Santa Clarita and East County areas that currently do not have automatic CPI adjustments. These are Zones that are geographically located in either the Santa Clarita or the East County areas only and exclude Zones that are being transferred to the City of Santa Clarita or for which our financial analysis indicates no CPI provision is needed at this time.

The Zones in the Santa Clarita area included in this action are District No. 2, Zone 19 (Sagewood Valencia), Zone 20 (El Dorado Village), Zone 21 (Sunset Pointe), Zone 33 (Canyon Park), Zone 36 (Mountain Valley), Zone 37 (Castaic Hillcrest), Zone 40 (Castaic Shadow Lake), Zone 44 (Bouquet Canyon), Zone 48 (Shadow Hills), Zone 55 (Castaic North Bluff), Zone 56 (Commerce Center Area Wide), Zone 62 (Canyon Heights), Zone 63 (The Enclave); and District No. 4 Zone 64 (Double C Ranch), and the new Zone 77 (West Creek Park).

The Zones in the East County area included in this action are District No. 2, Zone 34 (Hacienda), Zone 35 (Montebello), Zone 43 (Rowland Heights), and Zone 58 (Rancho El Dorado).

A list of all Zones in District Nos. 2 and 4 is included (Attachment A).

On July 12, 1979, August 10, 1995 and July 22, 1997, your Board approved the formation of LLA District Nos. 1, 2 and 4 and Zones therein, respectively, for the purpose of providing landscaping in County-administered LLA Districts and Zones therein pursuant to provisions of the Act. As the governing body, the Board of Supervisors is responsible for levying the annual assessment for landscape and park maintenance purposes.

On June 12, 1979, your Board approved a method of distributing maintenance costs on the basis of land use and/or benefit and this same method will be used to compute the Fiscal Year 2006-07 assessments. This method and the proposed assessments on the various lots or parcels are shown in detail in the Engineer's Reports.

#### **Implementation of Strategic Plan Goals**

These actions will further the County's Strategic Plan Goals of Fiscal Responsibility (Goal Four), and Service Excellence (Goal One). These recommendations in compliance with the Act and Article XIID of the California Constitution, will allow the County to service and maintain the park, landscaping and appurtenant facilities that benefit those that live within these zones.

#### **FISCAL IMPACT/FINANCING**

There is no fiscal impact to the General Fund. Services provided in the Districts and Zones therein, are funded by the assessments established by the Board of Supervisors.

The recommended new annual assessment of \$286.23 per Equivalent Dwelling Unit (EDU) for LLA District No. 4, Zone No. 77, West Creek Park, will provide the funds needed for maintenance, servicing and administrative costs associated with the improvements during Fiscal Year 2006-07. It should be noted that this assessment includes \$216.26 annually for the eventual repair of areas which will be damaged during future construction of a secondary water pipe along the length of the Metropolitan Water District (MWD) property. [It is estimated that the MWD will not make a decision on when to construct the secondary water pipe for approximately 10 years.] Until a decision is made on a timetable, the \$216.26 will be credited back annually to the parcel owners. Once a decision on a timetable is made, the assessment of \$216.26 will no longer be credited and will be accumulated for the repairs to the Zone.



The recommended revised annual assessment of \$976.99 residential and \$526.69 commercial per EDU for LLA District No. 4, Zone No. 69, West Creek Canyon Estate, will provide the funds needed for maintenance, servicing and administrative costs associated with the improvements during Fiscal Year 2006-07. It should be noted that the residential assessment includes \$447.43 annually for the repair of areas which will be damaged during future construction of a secondary water pipe along the length of the Metropolitan Water District (MWD) property. [It is estimated that the MWD will not make a decision on when to construct the secondary water pipe for approximately 10 years.] Until a decision is made on a timetable, the \$447.43 will be credited back annually to the parcel owners. Once a decision on a timetable is made, the assessment of \$447.43 will no longer be credited and will be accumulated for the repairs to the Zone.

The recommended CPI adjustment components for nineteen Zones in the Santa Clarita area and East County area will improve the long term financial viability for these Zones.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The LLA sets forth procedures that must be followed for any fiscal year during which assessments levied in a prior fiscal year are to be continued. The Act, Government Code Section 53753, and the California Constitution have established procedures that must be followed for the levy of any new or increased assessments. The Act requires that the legislative body adopt a Resolution Initiating Proceedings, and generally describe any proposed improvements or substantial changes in existing improvements.

The legislative body also must order the Director of the Department of Parks and Recreation to have prepared an Engineer's Report in accordance with Section 22565, et seq. of the Streets and Highways Code. The report will show an estimate of, and a proposed assessment to pay for, the costs of providing landscape and park maintenance services. The Act provides a method of funding an assessment district with assessments being collected via the consolidated tax bill. This provides for the assessment of landscape and park maintenance costs against the benefiting properties.

Proceedings for the annexation of territory to an existing Los Angeles County LLA District under the Act are initiated by Resolution pursuant to Section 22608 of the Streets and Highways Code and Article XIID, Section 6 of the California Constitution. In annexation proceedings, the Resolution, Report, Notices of Hearing, and Right of Majority Protest are limited to the territory proposed to be annexed.



The passage of Proposition 218 in November 1996 added Articles XIIC and XIID to the California Constitution. Article XIID contains additional requirements to those found in the Act that must be followed for the levying of new or additional assessments and the filing of the Engineer's Report. Zone No. 77, West Creek Park and Zone No. 69, West Creek Canyon Estates, require assessment ballots to approve the new assessment and amendments, respectively.

Your Board is required to conduct a public hearing upon the proposed assessment and adjustments not less than 45 days after mailing notices to the property owners. The developer of the proposed annexation area and the developer of the zones proposed for the rate amendments are the owners of the properties and have provided written petitions requesting the proposed actions. A notice and ballot will be mailed to each property owner within LLA District No. 4, Zone No. 77, West Creek Park and Zone No. 69, West Creek Canyon Estates, in compliance with Article XIID of the California Constitution. A notice and ballot will be mailed to each owner within the fifteen Zones included in the Countywide ballot for Santa Clarita Area Zones who would be affected by the increase in assessment due to a CPI adjustment. A notice and ballot will be mailed to each owner within the four Zones included in the Countywide ballot for East County Area Zones who would be affected by the increase in assessment due to a CPI adjustment.

Any new or additional assessment that is subject to the notice and hearing provisions of Article XIID of the California Constitution is not subject to the notice and hearing requirements of Government Code Section 54954.6.

Pursuant to the approved tentative tract conditions as indicated in the Engineer's Reports for LLA District No. 4, Zones 69, and 77, the developer is required to install the improvements as approved by the District and grant to the District maintenance easements for designated areas. When the required improvements are completed to the satisfaction of the District and executed Grants of Easement are received, the designated areas will be accepted by the District for maintenance and servicing.

County Counsel has approved the enclosed Resolutions as to form.

### **ENVIRONMENTAL DOCUMENTATION**

Approval of the proposed actions is exempt from the California Environmental Quality Act (CEQA) according to Section 15301 and Subsection 15301 (h) of State CEQA Guidelines. Approval of proposed assessments and adjustments is exempt from CEQA, according to Section 15273(a)(1)(2)(3)(4) of State CEQA Guidelines because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies. Approval of the assessments is also exempt from CEQA because it is for the purpose of: 1) meeting operating expenses including employee wage rates and fringe benefits; 2) purchasing and leasing supplies, equipment or materials; 3) meeting financial reserve needs and requirements; and/or 4) obtaining funds for capital projects necessary to maintain service within existing service areas, pursuant to Section 21080(b) 8 of the Public Resources Code.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of these recommendations for LLA District No. 4, Zones 69 and 77, and the nineteen Zones included in the CPI ballots will be a benefit to these development communities through the beautification, maintenance and servicing of landscaped medians, park areas and appurtenant improvements.

### **CONCLUSION**

It is requested that an executed copy of this document be retained by the Executive Officer-Clerk of the Board, one conformed copy each be forwarded to the Chief Administrative Office, County Counsel and Auditor-Controller, and two conformed copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,



Russ Guiney  
Director

Attachments (10)

c: Chief Administrative Officer  
Executive Officer, Board of Supervisors (22)



**COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS**

**RESOLUTION ORDERING CONSUMER PRICE INDEX (CPI) ADJUSTMENT  
COMPONENTS FOR FOUR ZONES IN THE EAST COUNTY AREA**

**WHEREAS**, the Board of Supervisors of the County of Los Angeles on \_\_\_\_\_ adopted a Resolution of Intention to impose an automatic consumer price index (CPI) adjustment components for four Zones included in the East County area; and

**WHEREAS**, imposing automatic CPI adjustment components for four Zones included in the East County area is for the purpose of providing funds for the provision of park and landscape maintenance services in the existing Zones pursuant to provisions of the Landscaping and Lighting Act of 1972; and

**WHEREAS**, the Board has approved and filed the Engineer's Report as required by law; and

**WHEREAS**, the Executive Officer of the Board of Supervisors did cause the notice of public hearing to be mailed to all property owners within the subject territory to the proposed amendment at least 45 days prior to the date set for the hearing; and

**WHEREAS**, the Department of Parks and Recreation has mailed an assessment ballot and a notice to property owners of identified parcels within the territory proposed for the amendment to the rate, pursuant to Article XIID of the California Constitution, to indicate support of or opposition to the matter of the amendment; and

**WHEREAS**, said Board of Supervisors has heard all testimony and evidence with regard to the amendment to the rate, has tabulated all returned assessment ballots concerning the proposed automatic CPI adjustment components for said zones and has made a determination that the majority of ballots returned in favor of the levy exceeds those submitted in opposition and that no majority protest exists.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Los Angeles, State of California:

**SECTION 1.** That this Board hereby finds that the public interest and convenience require the maintenance of the proposed and future park, landscaping and appurtenant improvements located within the boundary of LLA District Nos. 1, 2 & 4.

**SECTION 2.** That this Board hereby determines that an automatic CPI adjustment is required to provide the total funding needed to finance the installation and/or maintenance of the existing and future park, landscaping and appurtenant improvements.

**SECTION 3.** That this Board hereby orders the automatic CPI adjustment components for these zones, pursuant to provisions of the Landscaping and Lighting Act of 1972; and to have the boundaries as set forth in the Engineer's Report adopted on \_\_\_\_\_; and hereby orders the installation and/or maintenance of the existing and future park, landscaping and appurtenant improvements to be done as set forth and described in said Report.

**SECTION 4.** That the Executive Officer of the Board of Supervisors is hereby ordered and directed to file a certified copy of the landscape maintenance diagrams and assessments, together with a certified copy of this Resolution upon its adoption with the County Auditor.



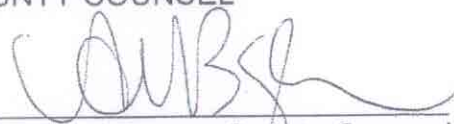
The foregoing resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, passed by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

**JOANNE STURGES,**  
Acting Executive Officer -  
Clerk of the Board of Supervisors of  
the County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM

RAYMOND G. FORTNER JR.  
COUNTY COUNSEL

By   
Principal Deputy County Counsel

COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION  
SPECIAL DISTRICT SECTION  
31320 CASTAIC ROAD  
CASTAIC, CA 91384-3900

## ENGINEER'S REPORT

COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION

EAST COUNTY CPI

FISCAL YEAR 2006/2007



*Intent Meeting: April 4, 2006*

*Public Hearing: May 23, 2006*



# ENGINEER'S REPORT AFFIDAVIT

## EAST COUNTY CPI

### County of Los Angeles, State of California

This Report describes the District and Zones therein including the improvements, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the County of Los Angeles Assessor's maps for a detailed description of the lines and dimensions of parcels within the District and Zones. The undersigned respectfully submits the enclosed Report as directed by the Board of Supervisors.

Dated this \_\_\_\_\_, day of \_\_\_\_\_, 2006

MuniFinancial

Assessment Engineer

On Behalf of the County of Los Angeles, Department of Parks and Recreation

By: \_\_\_\_\_  
Bryan Miller, Senior Project Manager

By: \_\_\_\_\_  
Richard Kopecky, Engineer of Work  
R.C.E. # 16742

EAST COUNTY  
CPI

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APPENDIX B – ASSESSMENT DIAGRAM



# EAST COUNTY CPI

## I. INTRODUCTION

This report is prepared in compliance with the requirements of Article 4, Chapter 1, of the Landscaping and Lighting Act of 1972, (hereinafter referred to as the "Act") which is Part 2, Division 15 of the California Streets and Highways Code. This report considers an amendment to the rate and method of apportionment of assessments covering four (4) zones (hereinafter referred to as the "Zones") within the County's Landscape Maintenance District 2 and 4 (hereinafter referred to as the "District"). The amendment considers the inclusion of a CPI factor to the original assessments.

Pursuant to the Act, the Board of Supervisors is the legislative body for the District and Zones, and may initiate changes to the original District and Zones acting as the governing body for the operations and administration of the District and Zones.

Section 22608 of the Streets and Highways Code further states that any proceedings to amend the original District and Zones will be limited to the territory included within the District and Zones. This report will be limited to those properties proposed to be included within the District and Zones as identified in Section II.

Originally, when the Zones were established, there was no allowance for an adjustment in the assessments to account for inflation. As a result, several of the Zones are operating on a marginal budget. This report addresses the need for a CPI factor to be included on the annual assessment levies. If approved, the CPI will take affect for the 2006/2007 fiscal year.

## RIGHT TO VOTE ON TAXES ACT (PROPOSITION 218)

On November 5, 1996, the electorate approved Proposition 218, Right to Vote on Taxes Act, which added Articles XIII C and XIII D to the California Constitution. The Proposition affects all assessments upon real property for a special benefit conferred on the property. Assessments imposed under the Landscaping and Lighting Act of 1972 are these types of benefit assessments.

Each property owner who owns parcels within the Zones subject to assessments will be sent an Assessment Ballot and Notice of Public Hearing requesting their approval for an amendment to the original rate and method of apportionment and the implementation of an inflation factor within the Zones. Subsequent owners of parcels, following the public hearing, would be made aware through title reports and Department of Real Estate "White Paper" reports that the parcels are in the Zones and subject to the assessments. Purchase of the parcel(s) is also an agreement by the new owners to be subject to the assessments. However, subsequent increases above the approved rate plus inflation factor if any, will be subject to the procedures and approval process of Section 4 of Article XIII D.

The County may initiate proceedings for an amendment to the rate and method of apportionment by passing a resolution declaring the County's intention. This Resolution of Intention generally describes the territory to be included within the Zones and orders an engineer to prepare and file a detailed report.

This report, prepared by a licensed engineer, details only the territory included within the existing Zones and must include: plans and specifications of the improvements; a) an estimate of the costs of the improvements, including maintenance and servicing; b) a diagram, i.e., map of the Zones showing the boundary of the Zones; c) the parcels which benefit; and d) an estimate of costs of the improvements, maintenance, and servicing. Once the report is completed, it is presented to the Board of Supervisors (the legislative body) for its review and approval as presented, or may be modified and approved.

After the report is approved, the County adopts the Resolution of Intention which declares its intent to place an inflation factor on the assessments for the Zones, describes the improvements, including maintenance and servicing, refers to the Zones by their distinctive designation, refers to the report for the details of the Zones, and sets a time for a public hearing on the amendment.

The Right to Vote on Taxes Act, Articles XIII C and XIII D, requires that the County Board of Supervisors conduct a public hearing not less than forty-five days after mailing a Notice of Assessment and Assessment Ballot explaining the amendment to record owners of each parcel which will have a special benefit conferred upon them and upon which the amendment will affect.

At the public hearing, the County will count the Assessment Ballots returned and consider the public testimony in favor and/or opposing the amendment. If the amendment receives property owner approval, the amended assessments will be approved for levy and the amended rate will replace the current rate. If the amendment does not receive voter approval the amended assessments will not be imposed and the original assessments will continue to be levied at their existing fiscal year 2005/2006 rates.

If authorized, the assessments would be placed on the 2006/2007 County Tax Roll and would be collected with the regular County property taxes.

## **II. PLANS AND SPECIFICATIONS**

The improvements are located within Zones 2-34 Hacienda; 2-35 Montebello; 2-43 Rowland Heights; and 2-58 Rancho El Dorado.

### **Improvements**

A list of the Improvements for each Zone is voluminous and is included here by reference only and is on file in more detail in the office of County of Los Angeles Department of Parks and Recreation, Special District Division where they are available for public inspection.



## **Maintenance**

The proposed maintenance for the Zones includes, but is not limited to, and may be generally described as follows:

The operation, maintenance, and servicing of ornamental structures, landscaping, including trees, shrubs, grass, and other ornamental vegetation, and appurtenant facilities, including irrigation systems, and drainage devices located in public places within the boundaries of the Zone. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the ornamental structures, landscaping, and appurtenant facilities, including repair, removal, or replacement of all or part of any of the ornamental structures, landscaping, or appurtenant facilities; providing for the life, growth, health, and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, and treating for disease or injury; the removal of trimmings, rubbish, debris, other solid waste; and pest control. Servicing means the furnishing of electricity for the operation of any appurtenant facilities, and water for the irrigation and control of the landscaping and the maintenance of any of the ornamental structures, landscaping, and appurtenant facilities.

Plans and Specifications for the improvements for the Zones are voluminous and are not bound in this report but by this reference are incorporated and made a part of this report. The plans and specifications are on file in the office of County of Los Angeles Department of Parks and Recreation, Special District Division where they are available for public inspection.

### **III. ESTIMATED COSTS OF THE IMPROVEMENTS**

The Act provides that the estimated costs of the maintenance of the improvements shall include the total cost of the maintenance of the improvements for fiscal year 2006/2007, including incidentals, which may include reserves to operate the Zones until funds are transferred to the County from the County of Los Angeles Auditor/Controller around December 10 of the same fiscal year.

The Act also provides that the amount of any surplus, deficit, or contribution be included in the estimated cost of improvements. The net amount to be assessed on the parcels within the Zones is the total cost of installation, maintenance, and servicing with adjustments either positive or negative for reserves, surpluses, deficits, and/or contributions.

Estimated costs of the maintenance of the improvements for the Zones are voluminous and are not bound in this report but by this reference are incorporated and made a part of this report. The estimated costs are on file in the office of the County of Los Angeles Department of Parks and Recreation, Special District Division where they are available for public inspection.



#### IV. ASSESSMENT DIAGRAM

The location and boundary of the District and Zones is currently located in unincorporated Los Angeles County adjacent to the City of Santa Clarita.

The boundary maps/diagrams are voluminous and are not bound in this report but by this reference are incorporated and made a part of this report. For details of the parcels, reference is made to the assessor maps on file with the County Assessor. Assessor information for this report was obtained from the latest assessment roll from the County of Los Angeles, Office of the Assessor.

#### V. ASSESSMENT

All assessed parcels of real property within the Zones are listed on the assessment roll, which is on file at the County, and is hereby made a part of this report by reference. The assessment roll states the net amount to be assessed upon assessable lands within the Zones for fiscal year 2006/2007 shows the fiscal year 2006/2007 assessment upon each parcel within the Zones and describes each assessable parcel of land within the Zones. These parcels are more particularly described on the County assessment roll, which is on file in the office of the County of Los Angeles Assessor and by reference is made a part of this report as "Appendix A."

If this report is approved, commencing with fiscal year 2006/2007, the amount of the assessments for the Zones will include a yearly increase, based upon the Consumer Price Index, All Urban Consumers, for the Los Angeles-Orange-Riverside County Area ("CPI"), as determined by the United States Department of Labor, Bureau of Labor Statistics, or its successor. The licensed engineer shall compute the percentage difference between the CPI for February of each year and the CPI for the previous February, and shall then adjust the existing assessment by an amount not to exceed such percentage for the following fiscal year. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the engineer shall use the revised index or a comparable system as approved by the County Board of Supervisors for determining fluctuations in the cost of living.

Based on land use information provided by the County Assessor, all parcels within the Zones are either residential, or public parcels. The primary benefit derived is from the maintenance of perimeter landscaping.

As a condition of tentative map approval, open space/common area parcels are required to be left as open space and no construction can occur on them. Therefore, these parcels will not be assessed as they serve only to provide benefit within the Zones and receive no special benefit.

In accordance with Section 4 of Article XIII D of the California Constitution, publicly owned parcels are required to be assessed unless they in fact receive no benefit.

## VI. METHOD OF ASSESSMENT

### BACKGROUND

The Landscaping and Lighting Act of 1972 provides that assessments may be apportioned upon all assessable parcels of land within an assessment district or zone in proportion to the estimated benefits to be received by each parcel from the improvements to be maintained. In addition, Proposition 218 requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Proposition provides that only special benefits are assessable, and the County must separate the general benefits from the special benefits conferred on a parcel. A special benefit is a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the district. The general enhancement of property value does not constitute a special benefit.

### SPECIAL BENEFIT

In a landscape maintenance district or zone, developers of the land typically install the landscape improvements, and guarantee the continued maintenance through the establishment of a landscape maintenance district or zone. If the installation of the improvements and the guaranteed maintenance did not occur, the parcels would not have been established and could not have been sold to any distinct and separate owner. The establishment of each distinct and separate parcel is a special benefit, which permits the construction of a building or structure on the property and the ownership and sale of the distinct parcel in perpetuity.

All the parcels are established at the same time once the conditions regarding the improvements and the continued maintenance are guaranteed. As a result, each parcel within a district or zone receives a special and distinct benefit from the improvements and to the same degree.

For each development or Zone, the area surrounding the development consists of landscaped easements and other improvements. This is the landscaping and other improvements that will be maintained by the Zones. Since these improvements are for the benefit of the owners and the owners also benefit from the maintenance of these improvements, only the owners of property within the Zones are assessed for this benefit and its costs.

In addition, the improvements continue to confer a particular and distinct special benefit upon parcels within the Zones because of the nature of the improvements. The proper maintenance of landscaping and appurtenant facilities specially benefit parcels within the Zones by moderating temperatures, and providing oxygenation thereby enhancing the environmental quality of the parcels and making them more desirable. The spraying and treating of landscaping for disease reduces the likelihood of insect infestation and other diseases spreading to landscaping located throughout the properties within the Zones. The proper maintenance of the landscaping, ornamental structures, and appurtenant facilities reduces property-related crimes (especially vandalism) against properties in the Zones. The landscaping located in the Zones, helps to visually join the various segments of the community, which enhance the desirability of the property. Finally, the proper maintenance of landscaping and ornamental structures improves the attractiveness of the properties within the Zones and provides a positive visual experience each and every time a trip is made to or from the property.



## GENERAL BENEFIT

In addition to the special benefits received by the parcels within the Zones, there are incidental general benefits conferred by the proposed improvements.

The proper maintenance of landscaping and appurtenant facilities within the Zones will not only control dust from blowing onto properties within the Zones, but will also control dust from blowing onto properties outside of the Zones. The spraying and treating of landscaping for disease reduces the likelihood of insect infestation and other diseases spreading to landscaping located throughout other properties within the County. Finally, the proper maintenance of landscaping and ornamental structures provides a positive visual experience to persons passing by the Zones. All of the above-mentioned constitutes incidental general benefits conferred by the improvements.

The total benefits are thus a combination of the special benefits to the parcels within the Zones and the general benefits to the public at large and to adjacent property owners. The portion of the total landscape maintenance costs, which are associated with general benefits, will not be assessed to the parcels in the Zones, but will be paid from other County funds.

## APPORTIONMENT

For the apportionment of assessments, reference is made to the individual reports on file with the County for each Zone. This report proposes to amend the rate and method of assessment by the addition of CPI language. There will be no change to the actual existing rates and methods of assessments for any Zone.

Most budget items are typically impacted by inflation. In an effort to minimize this impact on the District and Zones, a formula for an inflation adjustment will be submitted to all property owners as part of the property owner balloting process.

All new District and Zone assessments include a formula for increasing assessments each fiscal year to offset increases in costs due to inflation. Generally, any new assessments require certain noticing, meeting, and balloting requirements by law. However Government Code Section 54954.6(o) provides that a "new assessment" does not include *"an assessment which does not exceed an assessment formula or range of assessments...previously adopted by the agency or approved by the voters in the area where the assessment is imposed."* This definition of an increased assessment was later confirmed by Senate Bill 919, (The Implementing Legislation for Proposition 218).

The following describes the assessment adjustment formula proposed by the County:

The maximum assessment amount allowed for each fiscal year shall be increased in an amount equal to the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the Los Angeles-Riverside-Orange County Area for All Urban Consumers, as developed by U.S. Bureau of Labor Statistics. The CPI used shall be as determined by the Bureau of Labor Statistics for a similar period of time.

Each fiscal year the County shall compute the percentage difference between the CPI on February 1, and the CPI for the previous February 1 or a similar time period. This percentage difference shall then establish the range of increased assessments allowed based on CPI. Should the Bureau of Labor



Statistics revise such index or discontinue the preparation of such index, the County shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living.

In the event that the County determines that the maximum inflation adjustment allowed to the assessments is not required for a given fiscal year, the Board of Supervisors may adopt an assessment less than the allowable maximum assessment for that year. If the budget and assessments for the District or any Zone requires an increase greater than the adjustment set forth in the formula, then the proposed increase would be subject to approval by the property owners subject to the increased assessment.

The actual CPI adjustment to be applied for fiscal year 2006/2007 was not available at the time this report was prepared and will be adjusted from the 5% estimate to the actual CPI adjustment prior to submitting the tax roll to the County.

# APPENDIX A ASSESSMENT ROLL

## EAST COUNTY CPI

### County of Los Angeles, State of California

The assessment roll for the County of Los Angeles, East County CPI, is hereby incorporated and made a part of this report. The assessment rolls are on file in the office of the County of Los Angeles Department of Parks and Recreation, Special District Division where they are available for public inspection.

Reference is made to the County of Los Angeles assessment roll for a description of the parcels in the following District, and Zones:

2-34 Hacienda; 2-35 Montebello; 2-43 Rowland Heights; and 2-58 Rancho El Dorado.

## **APPENDIX B ASSESSMENT DIAGRAM**

### **EAST COUNTY CPI**

The boundary maps/diagrams are voluminous and are not bound in this report but by this reference are incorporated and made a part of this report. For details of the parcels, reference is made to the assessor maps on file with the County Assessor. Assessor information for this report was obtained from the latest assessment roll from the County of Los Angeles, Office of the Assessor.